

Center for *Children's* Advocacy

University of Connecticut School of Law
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TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF

House Bill 5430

"An Act Concerning the Transfer of Children and Youth from Out-of-State Residential Facilities to Therapeutic Group Homes in the State"

March 9, 2010

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University Of Connecticut School Of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

We strongly support the goals of Raised Bill 5430 which will require the Department of Children and Families (DCF), in consultation with private therapeutic group home providers to submit a plan to the General Assembly regarding the processes for returning residentially placed youth to Connecticut and a timeline for accomplishing such transfers. In light of the importance of this goal and the pre-existing obligation of DCF to report to the legislature regarding the status of welfare of such youth (*see* Public Act 09-96), we respectfully submit substitute language at the close of this testimony that will serve to reduce the number of youth who reside in out-of-state institutional treatment facilities.

TOO MANY CHILDREN ARE IN OUT OF STATE CARE

The Center for Children's Advocacy recently represented **Jason**, a 15 year old boy who had lived in an out-of-state treatment facility for 3 years. He was so desperate to get back to his home community that he said that he was even willing to go to a residential placement in Connecticut, if only because it brought him closer to his home town of Waterbury and a half-brother who lived in a city foster home. **He said that he felt like people had forgotten about him.** Today Jason attends school, lives in a therapeutic foster home in Waterbury, and has regular visits with his half-brother.

Before Jason, the Center represented **Wilson**, a then-14 year old boy who lived in an out of state institution for two years before his treatment team concluded he was ready for community placement. Wilson's clinician followed up with a formal letter to DCF confirming that Wilson should "step down" from institutional care and "transition into a group home in Connecticut." The clinician stressed that Wilson wanted to be close to his mother, maternal aunt and grandfather, all of whom lived in the Hartford area. Finally, the letter informed DCF that Wilson was "eager to be involved in group activities, that he regularly attends church services and loves playing sports, listening to music and reading books." Through months of delay Center attorneys followed up with numerous communications to the DCF chain of command urging the Department to implement Wilson's discharge and treatment recommendations as soon as possible. The Center



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emphasized that Wilson was becoming increasingly frustrated and that he felt “he was being punished for something.” Center attorneys were finally able to secure Wilson’s discharge to a therapeutic group home in the Hartford area after filing a motion for emergency relief in the Superior Court for Juvenile Matters.

However, there are hundreds of youth like Jason and Wilson who are “frustrated” and feel “forgotten” in out of state care.

According to the Juan F. Federal Court Monitor’s 2009 third quarter report, there were 498 DCF children and youth living in residential facilities, with just over half of those children (266) living out of state. Thirty-four (34) of these children are under the age of 12. Additionally, a recent DCF legislative report filed pursuant to Public Act 09-96 (“Stuck Kids”) indicates that the average length of stay for a child in an out-of-state facility is 448 days, with at least a quarter of youth who are deemed ready for discharge unnecessarily “delayed.” In fact, the recent DCF report indicates that of the youth who are on “discharge delay status” the average duration of the delay is 133 days. While this last figure is a purported decrease in discharge delay duration, the data demonstrates the breadth and scope of the problem of youth who are being treated and housed far from their home communities.

These youth constitute the “unseen population” of abused and neglected children living under the care and supervision of the Department of Children and Families. They are disabled, cognitively, developmentally or psychiatrically. Many times they have no identifiable familial guardian who can or will take care of them. They are the most needy and vulnerable of children in DCF’s care, and they are at great risk of “falling through the cracks” because they are not being closely monitored at a critical point in life – adolescence and their young adult years. These children may also be leaving a community that they may have called home for many years and being asked to adapt to a new, typically institutional setting, without regular contact from parents, mentors, siblings and friends. Many of these youth can be and should be placed in community-based placements in Connecticut where they can be treated in a less restrictive environment and allowed to foster nurturing relationships with family, friends and mentors. The Department has existing revenue streams, most notably through the 2007 WR v. DCF Settlement Agreement, dedicated to the express goal of moving disabled youth from residential treatment to the community.

Indeed, the Legislature has required the Department, pursuant to the “Stuck Kids” legislation of last year, Public Act 09-96, to provide a comprehensive report regarding the status of multiple cohorts of at-risk youth, including youth residing in out-of-state facilities. The next step must be to require the Department to reduce the number of youth who are so institutionalized. Accordingly, the Center respectfully requests that this Committee amend Senate Bill 295 to require the following:

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17a-151aa of the general statutes is amended by adding subsection (c) as follows
(*Effective from passage*):

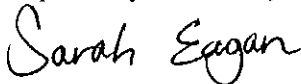
(NEW) (c) In furtherance of the legislative preference and public policy of the state of Connecticut that abused or neglected children and youth living in the custody of the Department of Children and Families receive care and treatment within the state of Connecticut, the Department of Children and Families must reduce the number of children and youth residing in out-of-state treatment facilities by twenty percent (20 %) as of July 1, 2011, by an additional 20 % as of July 1, 2012 and by an additional twenty percent as of July 1, 2013, with further

reductions to be required by this Legislature as it deems fit and necessary. For purposes of this provision, "out of state treatment facility" refers to a residential treatment facility that is located outside of the state of Connecticut and that is more than sixty miles from the town where the child or youth resided at the time the child or youth came into the custody of the Department of Children and Families.

([c]d) Not later than [January] July 1, 2011, and annually thereafter, the Commissioner of Children and Families, in consultation with [private] providers of community-based housing, therapeutic placements and therapeutic support services [services in therapeutic group homes, foster care agencies], and the Commissioners of Mental Health and Addiction Services, Developmental Services and Public Health, shall submit a [plan] report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations and the budgets of state agencies concerning children and youth in the custody of the Commissioner of Children and Families who are residing in residential facilities in other states. The [plan] report shall include, but not be limited, to (1) a description of the agency's progress towards reaching the mandatory residential reduction requirements as articulated in this section; (2) an explanation as to how the goals are being attained or the reasons, if any, for the agency's inability to meet the requirements of this statute; (3) a detailed description of the processes being used to transfer such children and youth to therapeutic group homes, foster homes or other family settings in the state; and (4 [2]) a timeline to comply with the legislatively mandated goal expressed in this section to return all children and youth to placements in the state of Connecticut. [For purposes of this subsection, "therapeutic group home" means a residential facility licensed by the Department of Children and Families or the Department of Developmental Services that serves less than fifteen children and youth with behavioral health and other healthcare or social needs who require clinical and other support services to transition to a family setting or independent living.]

Thank you for your time and consideration.

Respectfully submitted,



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